

AN ACT

relating to the creation of the North Hays County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7988 to read as follows:

CHAPTER 7988. NORTH HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7988.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the North Hays County Municipal Utility District No. 2.

Sec. 7988.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7988.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 7988.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7988.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 7988.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8       (a) The district is created to serve a public purpose and benefit.

9       (b) The district is created to accomplish the purposes of:

10           (1) a municipal utility district as provided by  
11 general law and Section 59, Article XVI, Texas Constitution; and

12           (2) Section 52, Article III, Texas Constitution, that  
13 relate to the construction, acquisition, improvement, operation,  
14 or maintenance of macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16       Sec. 7988.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

19       (b) The boundaries and field notes contained in Section 2 of  
20 the Act enacting this chapter form a closure. A mistake made in the  
21 field notes or in copying the field notes in the legislative process  
22 does not affect the district's:

23           (1) organization, existence, or validity;

24           (2) right to issue any type of bond for the purposes  
25 for which the district is created or to pay the principal of and  
26 interest on a bond;

27           (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 7988.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7988.052, directors serve  
6 staggered four-year terms.

7           Sec. 7988.052. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Hillary Sotello;

10                   (2) Paul Byars;

11                   (3) Meghan Skornia;

12                   (4) Bailey Harrington; and

13                   (5) Kevin Howard.

14           (b) Temporary directors serve until the earlier of:

15                   (1) the date permanent directors are elected under  
16 Section 7988.003; or

17                   (2) the fourth anniversary of the effective date of  
18 the Act enacting this chapter.

19           (c) If permanent directors have not been elected under  
20 Section 7988.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 7988.003; or

26                   (2) the fourth anniversary of the date of the  
27 appointment or reappointment.

1       (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 petition.

8                   SUBCHAPTER C. POWERS AND DUTIES

9       Sec. 7988.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12       Sec. 7988.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17       Sec. 7988.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

23       Sec. 7988.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
24 road project must meet all applicable construction standards,  
25 zoning and subdivision requirements, and regulations of each  
26 municipality in whose corporate limits or extraterritorial  
27 jurisdiction the road project is located.

1       (b) If a road project is not located in the corporate limits  
2 or extraterritorial jurisdiction of a municipality, the road  
3 project must meet all applicable construction standards,  
4 subdivision requirements, and regulations of each county in which  
5 the road project is located.

6       (c) If the state will maintain and operate the road, the  
7 Texas Transportation Commission must approve the plans and  
8 specifications of the road project.

9       Sec. 7988.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15       Sec. 7988.106. DIVISION OF DISTRICT. (a) The district may  
16 be divided into two or more new districts only if:

17               (1) the district has no outstanding bonded debt; and

18               (2) the district is not imposing ad valorem taxes.

19       (b) This chapter applies to any new district created by the  
20 division of the district, and a new district has all the powers and  
21 duties of the district.

22       (c) Any new district created by the division of the district  
23 may not, at the time the new district is created, contain any land  
24 outside the area described by Section 2 of the Act creating this  
25 chapter.

26       (d) The board, on its own motion or on receipt of a petition  
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the  
2 district.

3 (e) The board may adopt an order dividing the district  
4 before or after the date the board holds an election under Section  
5 7988.003 to confirm the creation of the district.

6 (f) An order dividing the district shall:

7 (1) name each new district;

8 (2) include the metes and bounds description of the  
9 territory of each new district;

10 (3) appoint temporary directors for each new district;

11 and

12 (4) provide for the division of assets and liabilities  
13 between or among the new districts.

14 (g) On or before the 30th day after the date of adoption of  
15 an order dividing the district, the district shall file the order  
16 with the commission and record the order in the real property  
17 records of each county in which the district is located.

18 (h) Any new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 7988.003.

21 (i) If the creation of the new district is confirmed, the  
22 new district shall provide the election date and results to the  
23 commission.

24 (j) Any new district created by the division of the district  
25 must hold an election as required by this chapter to obtain voter  
26 approval before the district may impose a maintenance tax or issue  
27 bonds payable wholly or partly from ad valorem taxes.

1       (k) Municipal consent to the creation of the district and to  
2 the inclusion of land in the district granted under Section  
3 7988.004 acts as municipal consent to the creation of any new  
4 district created by the division of the district and to the  
5 inclusion of land in the new district.

6               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7               Sec. 7988.151. ELECTIONS REGARDING TAXES OR BONDS.

8       (a) The district may issue, without an election, bonds and other  
9 obligations secured by:

10               (1) revenue other than ad valorem taxes; or

11               (2) contract payments described by Section 7988.153.

12       (b) The district must hold an election in the manner  
13 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
14 before the district may impose an ad valorem tax or issue bonds  
15 payable from ad valorem taxes.

16       (c) The district may not issue bonds payable from ad valorem  
17 taxes to finance a road project unless the issuance is approved by a  
18 vote of a two-thirds majority of the district voters voting at an  
19 election held for that purpose.

20               Sec. 7988.152. OPERATION AND MAINTENANCE TAX. (a) If  
21 authorized at an election held under Section 7988.151, the district  
22 may impose an operation and maintenance tax on taxable property in  
23 the district in accordance with Section 49.107, Water Code.

24       (b) The board shall determine the tax rate. The rate may not  
25 exceed the rate approved at the election.

26               Sec. 7988.153. CONTRACT TAXES. (a) In accordance with  
27 Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from  
2 the tax to make payments under a contract after the provisions of  
3 the contract have been approved by a majority of the district voters  
4 voting at an election held for that purpose.

5 (b) A contract approved by the district voters may contain a  
6 provision stating that the contract may be modified or amended by  
7 the board without further voter approval.

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 7988.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 7988.202. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 7988.203. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other obligations  
23 issued or incurred to finance road projects and payable from ad  
24 valorem taxes may not exceed one-fourth of the assessed value of the  
25 real property in the district.

26 SECTION 2. The North Hays County Municipal Utility District  
27 No. 2 initially includes all the territory contained in the

1 following area:

2 TRACT 1

3 DESCRIPTION OF 156.881 ACRES LAND IN THE M.M. MCCARVER SURVEY  
4 NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A  
5 CERTAIN CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND  
6 DESCRIBED IN THE DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF  
7 RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS  
8 COUNTY, TEXAS; SAID 156.881 ACRES OF LAND AS SURVEYED BY BOWMAN  
9 CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES  
10 AND BOUNDS AS FOLLOWS:

11 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
12 "LAI" previously set in the west right-of-way line of that certain  
13 Union Pacific Railroad right-of-way described in the deed to  
14 International & Great Northern Railroad Company of record in Volume  
15 H, Page 22, Deed Records of Hays County, Texas, in the east line of  
16 the said 983.99 acre tract, for the northeast corner of that certain  
17 called 0.576 acre tract designated as Tract 4 and described in the  
18 deed to the City of Kyle, Texas of record in Volume 3220, Page 508,  
19 Official Public Records of Hays County, Texas, being the north  
20 right-of-way line of Kohlers Crossing, a variable-width  
21 right-of-way, for the southerly southeast corner and POINT OF  
22 BEGINNING of the tract described herein;

23 THENCE leaving the west right-of-way line of the said Union  
24 Pacific Railroad right-of-way, with the north right-of-way line of  
25 said Kohlers Crossing, with the north line of the said 0.576 acre  
26 tract, and with the south line of the tract described herein, the  
27 following two (2) courses and distances:

1 1. S 88°53'49" W, a distance of 1,304.72 feet to a 1/2-inch iron rod  
2 with a plastic cap stamped "Loomis" previously set for an angle  
3 point, and

4 2. S 88°49'05" W, a distance of 332.13 feet to a 1/2-inch iron rod  
5 with a plastic cap stamped "LAI" previously set at the intersection  
6 of the north right-of-way line of said Kohlers Crossing and the east  
7 right-of-way line of Kyle Parkway, at the southeast corner of a  
8 certain called 28.91 acre tract described in the dedication of  
9 public right-of-way to the City of Kyle, Texas of record in Volume  
10 4122, Page 67, Official Public Records of Hays County, Texas, for  
11 the southerly southwest corner of the tract described herein;

12 THENCE leaving the north right-of-way line of said Kohlers  
13 Crossing, with the east right-of-way line of said Kyle Parkway,  
14 crossing the said 983.99 acre tract, with the east line of the said  
15 28.91 acre tract, with the west line of the tract described herein,  
16 the following four (4) courses and distances:

17 1. N 47°23'20" W, a distance of 50.34 feet to a 1/2-inch iron rod  
18 with a plastic cap stamped "LAI" previously set for an angle point,  
19 for the westerly southwest corner of the tract described herein,

20 2. N 03°39'40" W, a distance of 355.98 feet to a 1/2-inch iron rod  
21 with a plastic cap stamped "LAI" previously set for a  
22 point-of-curvature,

23 3. with the arc of a curve to the right, having a radius of  
24 2,764.78 feet, an arc distance of 355.80 feet, and a chord which  
25 bears N 00°01'17" E, a distance of 355.55 feet to a 1/2-inch iron rod  
26 with a plastic cap stamped "LAI" previously set for a  
27 point-of-tangency, and

1 4. N 03°42'29" E, a distance of 1,223.27 feet to a calculated point  
2 for the south corner of a certain called 0.931 acre tract designated  
3 as Parcel 4 and described in the deed to the City of Kyle, Texas of  
4 record in Volume 4122, Page 86, Official Public Records of Hays  
5 County, Texas, for an angle point in the west line of the tract  
6 described herein, from which a Texas Department of Transportation  
7 (TxDOT) Type 2 right-of-way monument (brass disk in concrete) found  
8 bears N 13°25' E, a distance of 0.38 feet;

9       THENCE continuing across the said 983.99 acre tract, with the  
10 east right-of-way line of said Kyle Parkway, with the east line of  
11 the said 0.931 acre tract, and with the west line of the tract  
12 described herein, the following three (3) courses and distances:

13 1. N 08°32'06" E, a distance of 238.83 feet to a Texas Department of  
14 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
15 concrete) found at an angle point,

16 2. N 03°43'16" E, a distance of 464.30 feet to a Texas Department of  
17 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
18 concrete) found at a point-of-curvature, and

19 3. with the arc of a curve to the left, having a radius 2,984.79  
20 feet, an arc distance of 864.55 feet, and a chord which bears N  
21 04°35'15" W, a distance of 861.53 feet to a calculated point for the  
22 northwest corner of the tract described herein, from which a Texas  
23 Department of Transportation (TxDOT) Type 2 right-of-way monument  
24 (brass disk in concrete) found at a point-of-tangency in the east  
25 right-of-way line of said Kyle Parkway and the east line of the said  
26 0.931 acre tract bears with the arc of a curve to the left, having a  
27 radius of 2,984.79 feet, an arc distance of 451.18 feet, and a chord

1 which bears N 17°12'57" W, a distance of 450.75 feet;

2       THENCE leaving the east right-of-way line of said Kyle  
3 Parkway and the east line of the said 0.931 acre tract, crossing the  
4 said 983.99 acre tract, with the north line of the tract described  
5 herein, the following seven (7) courses and distances:

6 1. N 78°54'52" E, a distance of 599.41 feet to a calculated angle  
7 point,

8 2. N 84°23'20" E, a distance of 307.89 feet to a calculated angle  
9 point,

10 3. N 89°38'16" E, a distance of 365.98 feet to a calculated angle  
11 point,

12 4. S 79°24'43" E, a distance of 289.83 feet to a calculated angle  
13 point,

14 5. S 63°16'05" E, a distance of 339.74 feet to a calculated angle  
15 point,

16 6. S 70°05'41" E, a distance of 312.86 feet to a calculated angle  
17 point, and

18 7. S 70°11'42" E, a distance of 218.01 feet to a calculated point in  
19 the west right-of-way line of the said Union Pacific Railroad and  
20 the east line of the said 983.99 acre tract, for the northeast  
21 corner of the tract described herein, from which a 1/2-inch iron rod  
22 found in the west right-of-way line of the said Union Pacific  
23 Railroad at the northeast corner of the said 983.99 acre tract, at  
24 the southeast corner of a certain called 151.960 acre tract  
25 described in a deed to Flint Hills Resources Central Texas, LLC of  
26 record in Document No. 2015-15008284, Official Public Records of  
27 Hays County, Texas, bears N 13°28'48" E, a distance of 1,692.66

1 feet;

2           THENCE S 13°28'48" W, with the west right-of-way line of the  
3 said Union Pacific Railroad and the east line of the said 983.99  
4 acre tract, with an east line of the tract described herein, a  
5 distance of 781.12 feet to a calculated point at the northeast  
6 corner of that certain tract of land dedicated to the International  
7 & Great Northern Railroad of record in Volume N, Page 428, Deed  
8 Records of Hays County, Texas, for the southeast corner of the tract  
9 described herein, from which a 1/2-inch iron rod found bears S  
10 88°18' W, a distance of 0.23 feet;

11           THENCE with the north and west right-of-way line of the said  
12 Union Pacific Railroad, same being the said International & Great  
13 Northern Railroad of record in Volume N, Page 428, Deed Records of  
14 Hays County, Texas, and a south and east line of the said 983.99  
15 acre tract, with a south and east line of the tract described  
16 herein, the following two (2) courses and distances:

17 1. S 88°17'16" W, a distance of 378.46 feet to a 1/2-inch iron rod  
18 found at the northwest corner of the said International & Great  
19 Northern Railroad tract, at a re-entrant corner of the said 983.99  
20 acre tract, for a re-entrant corner of the tract described herein,  
21 and

22 2. S 00°43'41" E, a distance of 1,693.36 feet to a calculated point  
23 in the west right-of-way line of the said Union Pacific Railroad  
24 right-of-way, at the south corner of the said International & Great  
25 Northern Railroad tract, at an angle point in the east line of the  
26 said 983.99 acre tract, for an angle point in the east line of the  
27 tract described herein;

1           THENCE S 13°28'03" W, with the west right-of-way line of the  
2 said Union Pacific Railroad and the east line of the said 983.99  
3 acre tract, with the east line of the tract described herein, a  
4 distance of 811.29 feet to the POINT OF BEGINNING and containing  
5 156.881 acres of land, more or less.

6           BEARING BASIS: Texas Coordinate System, South Central Zone,  
7 NAD83, Grid.

8           TRACT 2

9           DESCRIPTION OF 105.19 ACRES OF LAND IN THE JOHN COOPER  
10 SURVEY NO. 13, A-100, THE JESSE DAY SURVEY NO. 162, A-152, AND  
11 THE JESSE DAY SURVEY, A-159, HAYS COUNTY, TEXAS; BEING A  
12 PORTION OF THAT CERTAIN CALLED 185.77 ACRES OF LAND  
13 DESIGNATED AS TRACT 4 OF EXHIBIT "A" DESCRIBED IN THE DEED TO  
14 MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139,  
15 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 105.19  
16 ACRES OF LAND, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD.,  
17 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
18 FOLLOWS:

19           BEGINNING at a 1/2-inch iron rod with plastic cap  
20 stamped "LOOMIS" previously set in the south right-of-way  
21 line of Kohlers Crossing (Hays County Road No. 171), a  
22 varying width right-of-way, in the east line of that certain  
23 40-foot wide tract of land described in the deed to  
24 International and Great Northern Railroad Company of record  
25 in Volume H, Page 25, Deed Records of Hays County, Texas,  
26 being 20-ft east of the centerline of the railroad track, for  
27 the southwest corner of a certain called 0.498 of one acre

1 tract designated as Parcel 5, Tract 1 and described in  
2 Exhibit A in the deed to the City of Kyle, Texas of record in  
3 Volume 3218, Page 810, Official Public Records of Hays  
4 County, Texas, for the northwest corner and POINT OF  
5 BEGINNING of the tract described herein;

6       THENCE N 88° 52' 31" E, with the south right-of-way line  
7 of said Kohlers Crossing and the south line of the said 1.845  
8 acre tract, with the north line of the tract described  
9 herein, a distance of 1,117.83 feet to a 1/2-inch iron rod  
10 with plastic cap stamped "BCG" set for the northwest corner  
11 of Lot 1, Block A, Plum Creek Phase I, Lot 1, Block A Business  
12 Park, a subdivision according to the plat of record in  
13 Cabinet 14, Slides 34-35, Plat Records of Hays County, Texas,  
14 and for the southwest corner of a certain called 0.187 of one  
15 acre tract described in the deed to Plum Creek Development  
16 Partners, Ltd. of record in Volume 3145, Page 369, Official  
17 Public Records of Hays County, Texas and dedicated as  
18 right-of-way in the said Plum Creek Phase I, Lot 1, Block A  
19 Business Park plat, for the northerly northeast corner of the  
20 tract described herein;

21       THENCE leaving the south right-of-way line of said  
22 Kohlers Crossing, with the west and south lines of said Lot 1,  
23 Block A, Plum Creek Phase I, Lot 1, Block A Business Park,  
24 with the an east and north line of the tract described herein,  
25 the following two (2) courses and distances:

26 1. S 01° 07' 29" E. a distance of 669.00 feet to a 1/2-inch  
27 iron rod with plastic cap stamped "LAI" previously set for

1 the southwest corner of said Lot 1, Block A, Plum Creek Phase  
2 I, Lot 1, Block A Business Park, and for a re-entrant corner  
3 of the tract described herein, and

4 2. N 88° 52' 31" E, a distance of 326.00 feet to a 1/2-inch  
5 iron rod with plastic cap stamped "LOOMIS" previously set in  
6 the west line of a certain called 3.239 acre tract described  
7 in the deed to Plum Creek Development Partners, LTD. of  
8 record in Volume 3181, Page 307, Official Public Records of  
9 Hays County, Texas, same being the west right-of-way line of  
10 Marketplace Avenue, an 80-foot right-of-way, as shown on the  
11 said Plum Creek Phase I, Lot 1, Block A Business Park plat,  
12 for the southeast corner of said Lot 1, Block A, Plum Creek  
13 Phase I, Lot 1, Block A Business Park, for the easterly  
14 northeast corner of the tract described herein;

15 THENCE S 01° 07' 29" E, with the west right-of-way line  
16 of said Marketplace Avenue and the west line of the said 3.239  
17 acre tract, with the east line of the tract described herein,  
18 a distance of 1,106.69 feet to a 1/2-inch iron rod with  
19 plastic cap stamped "LAI" previously set in the south line of  
20 the said 185.77 acre tract and the northwest line of a certain  
21 called 126.130 acre tract designated as Tract 1 and described  
22 in the deed to Sheldon-Tanglewood, LTD. of record in Volume  
23 2495, Page 677, Official Public Records of Hays County,  
24 Texas, for the easterly southeast corner of the tract  
25 described herein;

26 THENCE S 46° 04' 39" W, leaving the west right-of-way  
27 line of said Marketplace Avenue, with the south line of the

1 said 185.77 acre tract and the northwest line of the said  
2 126.130 acre tract, with the southeast line of the tract  
3 described herein, at a distance of approximately 927.4 feet,  
4 passing the west corner of the said 126.130 acre tract and the  
5 north corner of a certain called 70.657 acre tract designated  
6 as Kirkham Tract I and described in the deed to  
7 Sheldon-Tanglewood, LTD. of record in Volume 2495, Page 658,  
8 Official Public Records of Hays County, Texas, and continuing  
9 with the south line of the said 185.77 acre tract and the  
10 northwest line of the said 70.657 acre tract for a total  
11 distance of 2,923.83 feet to a 1/2-inch iron rod with plastic  
12 cap stamped "BCG" set in the northeast right-of-way line of  
13 F.M. 1626, a varying-width right-of-way, for the east corner  
14 of a certain called 0.04 acre tract described in the deed to  
15 the City of Kyle, Texas of record in Volume 1871, Page 241,  
16 Official Public Records of Hays County, Texas, and dedicated  
17 as right-of-way in Exhibit A of record in Volume 4122, Page  
18 67, Official Public Records of Hays County, Texas, and for  
19 the northerly northwest corner of a certain called 9.20 acre  
20 tract described in the deed to the City of Kyle, Texas of  
21 record in Volume 2022, Page 363, Official Public Records of  
22 Hays County, Texas, for the southerly southwest corner of the  
23 tract described herein;

24           THENCE N 60° 06' 35" W, with the northeast right-of-way  
25 line of said F.M. 1626 and the northeast line of the said 0.04  
26 acre tract, with the southwest line of the tract described  
27 herein, a distance of 44.60 feet to a 1/2-inch iron rod with

1 plastic cap stamped "LAI" previously set in the east line of  
2 the said International and Great Northern Railroad Company  
3 tract for the westerly southwest corner of the tract  
4 described herein;

5 THENCE with the east line of the said International and  
6 Great Northern Railroad Company tract and the west line of  
7 the tract described herein, the following three (3) courses  
8 and distances:

- 9 1. N 09° 02' 18" E, a distance of 2,648.42 feet to a 1/2-inch  
10 iron rod with plastic cap stamped "LOOMIS" previously set for  
11 a point of curvature,  
12 2. with an arc of a curve to the right, having a radius of  
13 7,380.00 feet, an arc distance of 575.74 feet and a chord  
14 which bears N 11° 16' 24" E, a distance of 575.59 feet to a  
15 1/2-inch iron rod with plastic cap stamped "LOOMIS"  
16 previously set for a point of tangency, and  
17 3. N 13° 30' 30" E, a distance of 589.29 feet to the POINT OF  
18 BEGINNING and containing 105.19 acres of land more or less.

19 BEARING BASIS: Bearings recited herein are Texas Coordinate  
20 System, South Central Zone, NAD83, Grid.

21 TRACT 3

22 DESCRIPTION OF 23.676 ACRES LAND IN THE JOHN COOPER SURVEY  
23 NO. 13, A-100, THE JESSE DAY SURVEY NO. 162, A-152, AND THE JESSE  
24 DAY SURVEY, A-159, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN  
25 CALLED 185.77 ACRES OF LAND DESCRIBED AS TRACT 4 OF EXHIBIT "A" IN A  
26 DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME  
27 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID

1 23.676 ACRES OF LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD.,  
2 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

3 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
4 "LAI" previously set at the intersection of the south right-of-way  
5 line of Kohlers Crossing (County Road 171), a varying-width  
6 right-of-way, and the east right-of-way line of Marketplace Avenue,  
7 a 60-foot right-of-way, as shown on the Plum Creek Phase 1, Lot 1,  
8 Block A, Business Park plat of record in Cabinet 14, Pages 34-35,  
9 Plat Records of Hays County, Texas, same being the southwest corner  
10 of a certain called 1.347 acre tract designated as Parcel 5, Tract 2  
11 and described in Exhibit A in the deed to the City of Kyle, Texas of  
12 record in Volume 3218, Page 810, Official Public Records of Hays  
13 County, Texas, for the northwest corner and POINT OF BEGINNING of  
14 the tract described herein;

15 THENCE leaving the east right-of-way line of said Marketplace  
16 Avenue, with the south right-of-way line of said Kohlers Crossing,  
17 with the south line of the said 1.347 acre tract, and the north line  
18 of the tract described herein, the following three (3) courses and  
19 distances:

20 1. N 88°52'31" E, a distance of 699.00 feet to a 1/2-inch iron rod  
21 with a plastic cap stamped "LAI" previously set for a re-entrant  
22 corner of the said 1.347 acre tract, for the northerly northeast  
23 corner of the tract described herein,

24 2. S 01°07'29" E, a distance of 15.00 feet to a 1/2-inch iron rod  
25 with a plastic cap stamped "LAI" previously set for a southwest  
26 corner of the said 1.347 acre tract, for a re-entrant corner of the  
27 tract described herein, and

1 3. N 88°52'31" E, a distance of 125.82 feet to a calculated point  
2 for the easterly northeast corner of the tract described herein,  
3 from which a 1/2-inch iron rod with a plastic cap stamped "LAI"  
4 previously set for a southeast corner of the said 1.347 acre tract  
5 in the south right-of-way line of said Kohlers Crossing bears N  
6 88°52'31" E, a distance of 249.78 feet;

7       THENCE S 05°29'35" W, leaving the south right-of-way line of  
8 said Kohlers Crossing and the south line of the said 1.347 acre  
9 tract, crossing the said 185.77 acre tract, with the east line of  
10 the tract described herein, a distance of 1,040.89 feet to a  
11 1/2-inch iron rod found at an angle point in the south line of the  
12 said 185.77 acre tract, same being a north corner of a certain  
13 called 126.130 acre tract designated as Tract I and described in the  
14 deed to Sheldon - Tanglewood, Ltd. of record in Volume 2495, Page  
15 677, Official Public Records of Hays County, Texas, for the  
16 southeast corner of the tract described herein;

17       THENCE S 46°04'39" W, with a southeast line of the said 185.77  
18 acre tract and the northwest line of the said 126.130 acre tract,  
19 with the southeast line of the tract described herein, at a distance  
20 of 899.28 feet, a 1/2-inch iron rod with a plastic cap stamped "MW  
21 Cude" found bears S 43°55'14" E, a distance of 3.81 feet, and  
22 continuing for a total distance of 960.62 feet to a 1/2-inch iron  
23 rod with a plastic cap stamped "LAI" previously set for the  
24 southeast terminus of said Marketplace Avenue, for the southwest  
25 corner of the tract described herein;

26       THENCE N 01°07'29" W, leaving the northwest line of the said  
27 126.130 acre tract, with the east right-of-way line of said

1 Marketplace Avenue, with the west line of the tract described  
2 herein, a distance of 1,701.61 feet to the POINT OF BEGINNING and  
3 containing 23.676 acres of land, more or less.

4 BEARING BASIS: Texas Coordinate System, South Central Zone,  
5 NAD83, Grid.

6 TRACT 4

7 DESCRIPTION OF 46.400 ACRES LAND IN THE JOHN COOPER SURVEY  
8 NO. 13, A-100, THE JESSE DAY SURVEY NO. 162, A-152, THE THOMAS ALLEN  
9 SURVEY NO. 1, A-26, AND THE JOHN KING SURVEY NO. 20, A-276, HAYS  
10 COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 185.77 ACRES OF  
11 LAND DESCRIBED AS TRACT 4 OF EXHIBIT "A" IN A DEED WITHOUT WARRANTY  
12 TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL  
13 PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING ALL OF A CERTAIN  
14 CALLED 0.353 ACRE TRACT DESCRIBED IN THE DEED TO PLUM CREEK  
15 DEVELOPMENT PARTNERS, LTD. OF RECORD IN VOLUME 2902, PAGE 563,  
16 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 46.400 ACRES OF  
17 LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE  
18 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

19 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
20 "LAI" previously set at the intersection of the west right-of-way  
21 line of Hays County Road No. 210, also known as Dry Hole Road and as  
22 Old State Highway No. 2, a variable-width right-of-way, and the  
23 south right-of-way line of Kohlers Crossing, a variable-width  
24 right-of-way, same being the southeast corner of a certain called  
25 1.347 acre tract designated as Tract 2 and described in the deed to  
26 the City of Kyle, Texas of record in Volume 3218, Page 810, Official  
27 Public Records of Hays County, Texas, for the easterly northeast

1 corner and POINT OF BEGINNING of the tract described herein;

2       THENCE leaving the south right-of-way line of said Kohlers  
3 Crossing, with the west right-of-way line of said Hays County Road  
4 No. 210, and the east line of the said 185.77 acre tract, with the  
5 east line of the tract described herein, the following three (3)  
6 courses and distances:

7 1. S 00°25'18" W, at a distance of 7.98 feet, passing a 1/2-inch  
8 iron rod with a plastic cap stamped "LAI" previously set for the  
9 northeast corner of the said 0.353 acre tract, and continuing for a  
10 total distance of 446.78 feet to a 1/2-inch iron rod with a plastic  
11 cap stamped "LAI" previously set for an angle point,

12 2. S 08°52'40" W, a distance of 965.87 feet to a 1/2-inch iron rod  
13 with a plastic cap stamped "LAI" previously set for an angle point,  
14 and

15 3. S 13°43'40" W, a distance of 229.23 feet to a 1/2-inch iron rod  
16 found at the southeast corner of the said 185.77 acre tract, the  
17 southeast corner of the said 0.353 acre tract, the northeast corner  
18 of a certain called 126.130 acre tract designated as Tract I and  
19 described in the deed to Sheldon - Tanglewood, Ltd. of record in  
20 Volume 2495, Page 677, Official Public Records of Hays County,  
21 Texas, same being the northeast corner of a certain called 0.390  
22 acre tract designated as Parcel No. 3 and described in the deed to  
23 Hays County, Texas of record in Volume 2941, Page 666, Official  
24 Public Records of Hays County, Texas, for the southeast corner of  
25 the tract described herein;

26       THENCE leaving the west right-of-way line of said Hays County  
27 Road No. 210, with a southwest line of the said 185.77 acre tract

1 and the northeast line of the said 126.130 acre tract, with the  
2 south line of the tract described herein, the following two (2)  
3 courses and distances:

4 1. N 67°09'34" W, at a distance of 12.20 feet, passing a 1/2-inch  
5 iron rod with a plastic cap stamped "LAI" previously set for the  
6 southwest corner of the said 0.353 acre tract and the northwest  
7 corner of the said 0.390 acre tract, at a distance of 548.41 feet, a  
8 1/2-inch iron rod with a plastic cap stamped "MW Cude" found bears S  
9 22°50'26" W, a distance of 1.48 feet, at a distance of 1,064.14 feet,  
10 a 1/2-inch iron rod with a plastic cap stamped "MW Cude" found bears  
11 S 22°50'26" W, a distance of 1.18 feet, and continuing for a total  
12 distance of 1,130.45 feet to a 60-d nail found in an old tree stump  
13 for an angle point in the south line of the tract described herein,  
14 and

15 2. N 67°08'12" W, at a distance of 31.10 feet, a 1/2-inch iron rod  
16 with a plastic cap stamped "MW Cude" found bears S 22°51'48" W, a  
17 distance of 1.04 feet, and continuing for a total distance of 353.96  
18 feet to a 1/2-inch iron rod found at an angle point in the south line  
19 of the said 185.77 acre tract, same being the north corner of the  
20 said 126.130 acre tract, for the southwest corner of the tract  
21 described herein;

22       THENCE N 05°29'35" E, leaving the north line of the said  
23 126.130 acre tract, crossing the said 185.77 acre tract, with the  
24 west line of the tract described herein, a distance of 1,040.89 feet  
25 to a calculated point in the south right-of-way line of said Kohlers  
26 Crossing and the south line of the said 1.347 acre tract, for the  
27 westerly northwest corner of the tract described herein, from which

1 a 1/2-inch iron rod with a plastic cap stamped "LAI" previously set  
2 for a southwest corner of the said 1.347 acre tract bears S 88°52'31"  
3 W, a distance of 125.83 feet;

4       THENCE with the south right-of-way line of said Kohlers  
5 Crossing, with the south line of the said 1.347 acre tract, with the  
6 north lines of the tract described herein, the following four (4)  
7 courses and distances:

8 1. N 88°52'31" E, a distance of 249.77 feet to a 1/2-inch iron rod  
9 with a plastic cap stamped "LAI" previously set for a southeast  
10 corner of the said 1.347 acre tract, for a re-entrant corner of the  
11 tract described herein,

12 2. N 01°07'29" W, a distance of 18.00 feet to a 1/2-inch iron rod  
13 with a plastic cap stamped "LAI" previously set for a re-entrant  
14 corner of the said 1.347 acre tract, for the northerly northwest  
15 corner of the tract described herein,

16 3. N 88°52'31" E, a distance of 1,191.46 feet to a 1/2-inch iron rod  
17 with a plastic cap stamped "LAI" previously set for an angle point  
18 of the said 1.347 acre tract, for the northerly northeast corner of  
19 the tract described herein, and

20 4. S 44°34'42" E, a distance of 49.09 feet to the POINT OF BEGINNING  
21 and containing 46.400 acres of land, more or less.

22       BEARING BASIS: Texas Coordinate System, South Central Zone,  
23 NAD83, Grid.

24       TRACT 5

25       DESCRIPTION OF 157.726 ACRES LAND IN THE M.M. MCCARVER SURVEY  
26 NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A  
27 CERTAIN CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND

1 DESCRIBED IN THE DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF  
2 RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS  
3 COUNTY, TEXAS; SAID 157.726 ACRES OF LAND AS SURVEYED BY BOWMAN  
4 CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES  
5 AND BOUNDS AS FOLLOWS:

6 BEGINNING at a mag-nail previously set in the north line of  
7 the said 983.99 acre tract and the south line of a certain tract of  
8 land described in the deed to Texas-Lehigh Cement Company of record  
9 in Volume 609, Page 843, Real Property Records of Hays County,  
10 Texas, for the northeast corner of a certain called 28.91 acre tract  
11 described in the dedication of public right-of-way to the City of  
12 Kyle, Texas of record in Volume 4122, Page 67, Official Public  
13 Records of Hays County, Texas, same being the east right-of-way  
14 line of Kyle Parkway, a variable-width right-of-way, for the  
15 northwest corner and POINT OF BEGINNING of the tract described  
16 herein;

17 THENCE N 88°09'34" E, leaving the east right-of-way line of  
18 said Kyle Parkway, with the north line of the said 983.99 acre tract  
19 and the south line of the said Texas-Lehigh Cement Company tract,  
20 with the north line of the tract described herein, at a distance of  
21 1,870.26 feet, passing a calculated point for the southeast corner  
22 of the said Texas-Lehigh tract, same being the southwest corner of a  
23 certain called 21.6 acre tract described in the deed to Hays County  
24 Youth Athletic Association of record in Volume 356, Page 294, Deed  
25 Records of Hays County, Texas, from which a 1/2-inch iron rod found  
26 bears N 01°34'50" W, 1.38 feet, and continuing with the south line of  
27 the said 21.6 acre tract for a total distance of 2,530.40 feet to a

1 1/2-inch iron rod found at the northeast corner of the said 983.99  
2 acre tract and at the westerly northwest corner of a certain called  
3 151.960 acre tract described in a deed to Flint Hills Resources  
4 Central Texas, LLC of record in Document No. 2015-15008284,  
5 Official Public Records of Hays County, Texas, for the northerly  
6 northeast corner of the tract described herein;

7       THENCE with a west and south line of the said 151.960 acre  
8 tract, with an east and north line of the said 983.99 acre tract,  
9 with an east and north line of the tract described herein, the  
10 following two (2) courses and distances:

11 1. S 01°56'20" E, a distance of 1,296.09 feet to a cotton-gin  
12 spindle found at the southwest corner of the said 151.960 acre tract  
13 and at a re-entrant corner of the said 983.99 acre tract, for a  
14 re-entrant corner of the tract described herein, and

15 2. N 88°19'25" E, a distance of 1,023.18 feet to a 1/2-inch iron rod  
16 found in the west right-of-way line of that certain Union Pacific  
17 Railroad right-of-way described in the deed to the International &  
18 Great Northern Railroad Company of record in Volume H, Page 22, Deed  
19 Records of Hays County, Texas, for the northeast corner of the said  
20 983.99 acre tract, and the southeast corner of the said 151.960 acre  
21 tract, for the easterly northeast corner of the tract described  
22 herein;

23       THENCE S 13°28'48" W, leaving the south line of the said  
24 151.960 acre tract, with the west right-of-way line of the said  
25 Union Pacific Railroad and the east line of the said 983.99 acre  
26 tract, with an east line of the tract described herein, a distance  
27 of 1,692.66 feet to a calculated point for the southeast corner of

1 the tract described herein, from which a calculated point in the  
2 west right-of-way line of the said Union Pacific Railroad at the  
3 northeast corner of that certain tract of land dedicated to the  
4 International & Great Northern Railroad of record in Volume N, Page  
5 428, Deed Records of Hays County, Texas, bears S 13°28'48" W, a  
6 distance of 781.12 feet, and from which a 1/2-inch iron rod found  
7 bears S 88°18' W, a distance of 0.23 feet;

8       THENCE leaving the west right-of-way line of the said Union  
9 Pacific Railroad, crossing the said 983.99 acre tract, with the  
10 south line of the tract described herein, the following seven (7)  
11 courses and distances:

- 12 1. N 70°11'42" W, a distance of 218.01 feet to a calculated angle  
13 point,
- 14 2. N 70°05'41" W, a distance of 312.86 feet to a calculated angle  
15 point,
- 16 3. N 63°16'05" W, a distance of 339.74 feet to a calculated angle  
17 point,
- 18 4. N 79°24'43" W, a distance of 289.83 feet to a calculated angle  
19 point,
- 20 5. S 89°38'16" W, a distance of 365.98 feet to a calculated angle  
21 point,
- 22 6. S 84°23'20" W, a distance of 307.89 feet to a calculated angle  
23 point, and
- 24 7. S 78°54'52" W, a distance of 599.41 feet to a calculated point in  
25 the east right-of-way line of said Kyle Parkway, same being the east  
26 line of a certain called 0.931 acre tract designated as Parcel 4 and  
27 described in the deed to the City of Kyle, Texas of record in Volume

1 4122, Page 86, Official Public Records of Hays County, Texas, for  
2 the southwest corner of the tract described herein, from which a  
3 Texas Department of Transportation (TxDOT) Type 2 right-of-way  
4 monument (brass disk in concrete) found at a point-of-tangency in  
5 the east right-of-way line of said Kyle Parkway, and the said 0.931  
6 acre tract bears with the arc of a curve to the right, having a  
7 radius of 2,984.79 feet, an arc distance of 864.55 feet, and a chord  
8 which bears S 04°35'15" E, a distance of 861.53 feet;

9       THENCE continuing across the said 983.99 acre tract, with the  
10 east right-of-way line of said Kyle Parkway and the east line of the  
11 said 0.931 acre tract, with the west line of the tract described  
12 herein, the following two (2) courses and distances:

13 1. with the arc of a curve to the left, having a radius of 2,984.79  
14 feet, an arc distance of 451.18 feet, and a chord which bears N  
15 17°12'57" W, a distance of 450.75 feet to a Texas Department of  
16 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
17 concrete) found at a point-of-tangency, and

18 2. N 26°47'39" W, a distance of 222.09 feet to a calculated point in  
19 the east line of the said 28.91 acre tract for the north corner of  
20 the said 0.931 acre tract, for an angle point in the west line of the  
21 tract described herein, from which a Texas Department of  
22 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
23 concrete) found bears S 26°19' E, a distance of 3.26 feet;

24       THENCE continuing across the said 983.99 acre tract, with the  
25 east right-of-way line of said Kyle Parkway and the east line of the  
26 said 28.91 acre tract, with the west line of the tract described  
27 herein, the following two (2) courses and distances:

1 1. N 21°32'51" W, a distance of 1,170.15 feet to a calculated  
2 point-of-curvature, from which a Texas Department of  
3 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
4 concrete) found bears N 22°04'05" E, a distance of 0.41 feet, and  
5 2. with the arc of a curve to the right, having a radius of  
6 2,764.78 feet, an arc distance of 898.49 feet, and a chord which  
7 bears N 12°14'15" W, a distance of 894.54 feet to the POINT OF  
8 BEGINNING and containing 157.726 acres of land, more or less.

9 BEARING BASIS: Texas Coordinate System, South Central Zone,  
10 NAD83, Grid.

11 TRACT 6

12 DESCRIPTION OF 133.892 ACRES LAND IN THE M.M. MCCARVER SURVEY  
13 NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A  
14 CERTAIN CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND  
15 DESCRIBED IN THE DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF  
16 RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS  
17 COUNTY, TEXAS, AND ALL OF A CERTAIN CALLED 5.207 ACRE TRACT  
18 DESCRIBED IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD IN INSTRUMENT  
19 NO. 16029224, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID  
20 133.892 ACRES OF LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD.,  
21 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

22 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
23 "LAI" previously set at the intersection of the north right-of-way  
24 line of Kohlers Crossing (County Road No. 171), a variable width  
25 right-of-way, same being the north line of a called 1.171 acre tract  
26 of land designated as Parcel 3, Tract 1, and described in a deed to  
27 the City of Kyle, Texas, of record in Volume 3220, Page 508,

1 Official Public Records of Hays County, Texas, and the west  
2 right-of-way line of Benner, a 70-foot wide right-of-way, as shown  
3 on the Plum Creek Phase II, Section 1A subdivision plat of record in  
4 Cabinet 14, Pages 225-226, Plat Records of Hays County, Texas, for  
5 the southerly southeast corner and POINT OF BEGINNING of the tract  
6 described herein;

7       THENCE with the north right-of-way line of said Kohlers  
8 Crossing, and the north line of the said 1.171 acre tract, with a  
9 south line of the tract described herein, the following four (4)  
10 courses and distances:

- 11 1. S 88°49'05" W, a distance of 32.70 feet to a 1/2-inch iron rod  
12 with a plastic cap stamped "LAI" previously set for an angle point,
- 13 2. S 87°37'32" W, a distance of 488.02 feet to a 1/2-inch iron rod  
14 with a plastic cap stamped "BCG" previously set for an angle point,
- 15 3. S 87°50'11" W, at a distance of 225.44 feet, passing a 1/2-inch  
16 iron rod with a plastic cap stamped "BCG" previously set for a  
17 point-on line, and continuing for a total distance of 252.78 feet to  
18 a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set  
19 for an angle point, and
- 20 4. S 87°19'58" W, a distance of 27.10 feet to a 1/2-inch iron rod  
21 with a plastic cap stamped "BCG" previously set for the southerly  
22 southeast corner of a certain called 324.250 acre tract designated  
23 as Tract 1 and described in the deed to Lennar Homes of Texas Land  
24 and Construction, Ltd. of record in Instrument No. 16029226,  
25 Official Public Records of Hays County, Texas, for the southwest  
26 corner of the tract described herein;

27       THENCE with the east and south lines of the said 324.250 acre

1 tract and the west and north lines of the tract described herein,  
2 the following seven (7) courses and distances:

- 3 1. N 00°29'00" W, a distance of 715.18 feet to a 1/2-inch iron rod  
4 with a plastic cap stamped "BCG" previously set for an angle point,
- 5 2. N 33°32'22" E, a distance of 340.44 feet to a 1/2-inch iron rod  
6 with a plastic cap stamped "BCG" previously set for an angle point,
- 7 3. N 28°43'08" E, a distance of 349.81 feet to a 1/2-inch iron rod  
8 with a plastic cap stamped "BCG" previously set for an angle point,
- 9 4. N 20°39'46" E, a distance of 412.04 feet to a 1/2-inch iron rod  
10 with a plastic cap stamped "BCG" previously set for an angle point,
- 11 5. N 12°33'58" E, a distance of 413.82 feet to a 1/2-inch iron rod  
12 with a plastic cap stamped "BCG" previously set for an angle point,
- 13 6. N 12°27'56" E, a distance of 448.13 feet to a 1/2-inch iron rod  
14 with a plastic cap stamped "BCG" previously set for a re-entrant  
15 corner, and
- 16 7. N 73°20'14" E, a distance of 4.89 feet to a calculated point for  
17 an angle point in the east line of the said 324.250 acre tract, same  
18 being the southwest corner of the said 5.207 acre tract, from which  
19 a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set  
20 for an angle point in a south line of the said 5.207 acre tract bears  
21 N 73°20'14" E, a distance of 708.44 feet;

22       THENCE with the east and west lines of the said 324.250 acre  
23 tract, with the northwest and northeast lines of the said 5.207 acre  
24 tract, with a northwest and northeast line of the tract described  
25 herein, the following eight (8) courses and distances:

- 26 1. N 27°58'58" E, at a distance of 0.42 feet, passing a 1/2-inch  
27 iron rod with a plastic cap stamped "CHAPARRAL BOUNDARY" found, and

1 continuing for a total distance of 4.93 feet to a 1/2-inch iron rod  
2 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
3 point of the tract described herein,  
4 2. N 45°36'55" E, a distance of 316.61 feet to a 1/2-inch iron rod  
5 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
6 point,  
7 3. N 43°07'49" E, a distance of 67.72 feet to a 1/2-inch iron rod  
8 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
9 point,  
10 4. N 60°11'22" E, a distance of 72.39 feet to a 1/2-inch iron rod  
11 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
12 point,  
13 5. N 54°50'52" E, a distance of 110.19 feet to a 1/2-inch iron rod  
14 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
15 point,  
16 6. N 44°44'47" E, a distance of 259.46 feet to a 1/2-inch iron rod  
17 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
18 point,  
19 7. N 47°53'10" E, a distance of 93.75 feet to a 1/2-inch iron rod  
20 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at an angle  
21 point, and  
22 8. S 47°15'44" E, a distance of 538.63 feet to a to a 1/2-inch iron  
23 rod with a plastic cap stamped "CHAPARRAL BOUNDARY" found at a  
24 southwest corner of the said 324.250 acre tract, same being the  
25 southeast corner of the said 5.207 acre tract, for an angle point in  
26 the north line of the tract described herein;  
27         THENCE N 82°22'26" E, with a south line of the said 324.250

1 acre tract, with the north line of the tract described herein, a  
2 distance of 129.85 feet to a 1/2-inch iron rod with a plastic cap  
3 stamped "CHAPARRAL BOUNDARY" found at the west corner of a certain  
4 called 2.581 acre tract designated as Tract 4 and described in the  
5 said deed to Lennar Homes of Texas Land and Construction of record  
6 in Instrument No. 16029226, Official Public Records of Hays County,  
7 Texas, for an angle point in the north line of the tract described  
8 herein;

9       THENCE leaving a south line of the said 324.250 acre tract,  
10 with the west and east lines of the said 2.581 acre tract, with a  
11 northeast and northwest line of the tract described herein, the  
12 following two (2) courses and distances:

- 13 1. S 47°15'44" E, a distance of 607.02 feet to a 1/2-inch iron rod  
14 with a plastic cap stamped "CHAPARRAL BOUNDARY" found at the south  
15 corner of the said 2.581 acre tract, for an angle point in the north  
16 line of the tract described herein, and
- 17 2. N 03°42'33" E, a distance of 476.77 feet to a 1/2-inch iron rod  
18 with a plastic cap stamped "BCG" previously set for the easterly  
19 southeast corner of the said 324.250 acre tract and the east corner  
20 of the said 2.581 acre tract, for a point-of-curvature in a west  
21 line of the tract described herein;

22       THENCE with an east line of the said 324.250 acre tract, with  
23 the west line of the tract described herein, with the arc of a curve  
24 to the left, having a radius of 2,264.79 feet, an arc distance of  
25 606.17 feet, and a chord which bears N 06°03'20" W, a distance of  
26 604.37 feet to a calculated point for the northerly northwest  
27 corner of the tract described herein, from which a 1/2-inch iron rod

1 with a plastic cap stamped "BCG" previously set for a  
2 point-of-tangency in an east line of the said 324.250 acre tract  
3 bears with the arc of a curve to the left, having a radius of  
4 2,264.79 feet, an arc distance of 309.28 feet, and a chord which  
5 bears N 17°38'07" W, a distance of 309.04 feet;

6       THENCE N 79°43'41" E, crossing the said 983.99 acre tract,  
7 with a north line of the tract described herein, a distance of  
8 480.94 feet to a calculated point in the west line of a certain  
9 called 0.934 acre tract, designated as Parcel 1 and described in the  
10 deed to the City of Kyle, Texas of record in Volume 4122, Page 86,  
11 Official Public Records of Hays County, Texas, being west  
12 right-of-way line of Kyle Parkway (F.M. 1626) a variable width  
13 right-of-way, for the northeast corner of tract described herein,  
14 from which a Texas Department of Transportation (TxDOT) Type 2  
15 right-of-way monument (brass disk in concrete) found at a  
16 point-of-tangency in the west right-of-way line of said Kyle  
17 Parkway and the west line of the said 0.934 acre tract bears with  
18 the arc of a curve to the left, having a radius of 2,744.79 feet, an  
19 arc distance of 404.05 feet, and a chord which bears N 17°19'37" W, a  
20 distance of 403.69 feet;

21       THENCE with the west right-of-way line of said Kyle Parkway,  
22 with the west line of the said 0.934 acre tract, with the east line  
23 of the tract described herein, the following three (3) courses and  
24 distances:

25 1. with the arc of a curve to the right, having a radius of  
26 2,744.79 feet, an arc distance of 805.93 feet, and a chord which  
27 bears S 04°41'53" E, a distance of 803.04 feet to a Texas Department

1 of Transportation (TxDOT) Type 2 right-of-way monument (brass disk  
2 in concrete) found at a point-of-tangency,

3 2. S 03°42'13" W, a distance of 553.75 feet to a Texas Department of  
4 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
5 concrete) found at an angle point, and

6 3. S 00°31'13" E, a distance of 269.62 feet to a calculated point in  
7 the west right-of-way line of said Kyle Parkway, same being the west  
8 line of a certain called 28.91 acre tract described in the  
9 dedication of public right-of-way to the City of Kyle, Texas of  
10 record in Volume 4122, Page 67, Official Public Records of Hays  
11 County, Texas, for the south corner of the said 0.934 acre tract,  
12 for an angle point in the east line of the tract described herein,  
13 from which a Texas Department of Transportation (TxDOT) Type 2  
14 right-of-way monument (brass disk in concrete) found bears S 00°31'  
15 E, a distance of 1.58 feet;

16       THENCE with the west right-of-way line of said Kyle Parkway,  
17 with the west line of the said 28.91 acre tract, with the east line  
18 of the tract described herein, the following three (3) courses and  
19 distances:

20 1. S 03°42'29" W, a distance of 1,102.95 feet to a Texas Department  
21 of Transportation (TxDOT) Type 2 right-of-way monument (brass disk  
22 in concrete) found at a point-of-curvature,

23 2. with the arc of a curve to the left, having a radius of 2,964.78  
24 feet, an arc distance of 381.54 feet, and a chord which bears S  
25 00°01'17" W, a distance of 381.27 feet to a Texas Department of  
26 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
27 concrete) found at a point-of-tangency, and

1 3. S 03°39'40" E, a distance of 61.49 feet to a calculated point for  
2 the easterly southeast corner of the tract described herein, same  
3 being the northeast corner of a certain called 4.857 acre tract  
4 described in the deed to Plum Creek Development Partners, Ltd. of  
5 record in Volume 3337, Page 390, Official Public Records of Hays  
6 County, Texas, from which a Texas Department of Transportation  
7 (TxDOT) Type 2 right-of-way monument (brass disk in concrete) found  
8 at an angle point in the west right-of-way line of said Kyle Parkway  
9 and the west line of the said 28.91 acre tract, and the east line of  
10 the said 4.857 acre tract, bears S 03°39'40" E, a distance of 286.04  
11 feet;

12 THENCE leaving the west right-of-way line of said Kyle  
13 Parkway, crossing the said 983.99 acre tract, with the north line of  
14 the said 4.857 acre tract, with a south line of the tract described  
15 herein, the following four (4) courses and distances:

16 1. S 88°50'25" W, a distance of 124.99 feet to a calculated angle  
17 point,

18 2. N 82°24'53" W, a distance of 131.55 feet to a calculated angle  
19 point,

20 3. N 23°54'05" W, a distance of 85.73 feet to a calculated angle  
21 point, and

22 4. N 53°55'11" W, a distance of 100.89 feet to a calculated point in  
23 the southeast line of a certain called 1.2623 acre tract described  
24 in the deed to Hays Consolidated Independent School District of  
25 record in Volume 2029, Page 668, Official Public Records of Hays  
26 County, Texas, for the north corner of the said 4.857 acre tract,  
27 for a southwest corner of the tract described herein, from which a

1 1/2-inch iron rod with a plastic cap stamped "BCG" previously set  
2 for an angle point in the south line of the said 1.2623 acre tract  
3 and the north line of the said 4.857 acre tract bears S 58°53'16" W,  
4 a distance of 127.50 feet;

5       THENCE with the east, north, and west lines of the said 1.2623  
6 acre tract, with the west, south, and east lines of the tract  
7 described herein, the following five (5) courses and distances:

- 8 1. N 58°53'16" E, a distance of 29.92 feet to a 1/2-inch iron rod  
9 with a plastic cap stamped "BCG" previously set for an angle point,
- 10 2. N 01°06'44" W, a distance of 172.58 feet to a 1/2-inch iron rod  
11 with a plastic cap stamped "BCG" previously set for an angle point,
- 12 3. N 61°06'44" W, a distance of 157.42 feet to a 1/2-inch iron rod  
13 with a plastic cap stamped "BCG" previously set for an angle point,
- 14 4. S 88°53'16" W, a distance of 62.13 feet to a 1/2-inch iron rod  
15 with a plastic cap stamped "BCG" previously set for the northwest  
16 corner of the said 1.2623 acre tract, for a re-entrant corner of the  
17 tract described herein, and
- 18 5. S 01°06'44" E, a distance of 69.54 feet to a 1/2-inch iron rod  
19 with a plastic cap stamped "LAI" previously set in the west line of  
20 the said 1.2623 acre tract, for the northeast corner of a certain  
21 called 0.0606 acre tract described in the deed to Hays Consolidated  
22 Independent School District of record in Volume 2857, Page 753,  
23 Official Public Records of Hays County, Texas, for a southeast  
24 corner of the tract described herein;

25       THENCE S 88°53'16" W, with the north line of the said 0.0606  
26 acre tract, with the south line of the tract described herein, a  
27 distance of 15.00 feet to a 1/2-inch iron rod with a plastic cap

1 stamped "LAI" previously set for the northwest corner of the said  
2 0.0606 acre tract and the northeast corner of a certain called 10.00  
3 acre tract described in the deed to Hays Consolidated Independent  
4 School District of record in Volume 2029, Page 661, Official Public  
5 Records of Hays County, Texas, for a point-on-line in the south line  
6 of the tract described herein;

7       THENCE S 88°50'25" W, with the north line of the said 10.00  
8 acre tract, with the south line of the tract described herein, a  
9 distance of 465.45 feet to a 1/2-inch iron rod with a plastic cap  
10 stamped "LAI" previously set for the northern northwest corner of  
11 the said 10.00 acre tract, same being a point in the east line of a  
12 certain called 11.375 acre tract described in the deed to Plum Creek  
13 Development Partners, Ltd. of record in Volume 3311, Page 508,  
14 Official Public Records of Hays County, Texas, for a southwest  
15 corner of the tract described herein;

16       THENCE with the east, north and west lines of the said 11.375  
17 acre tract, and the west, south and east lines of the tract  
18 described herein, the following five (5) courses and distances:

19 1. N 00°32'48" W, a distance of 69.99 feet to a 1/2-inch iron rod  
20 with a plastic cap stamped "LAI" previously set for the northeast  
21 corner of the said 11.375 acre tract, for a re-entrant corner of the  
22 tract described herein,

23 2. S 88°50'25" W, a distance of 360.00 feet to a 1/2-inch iron rod  
24 with a plastic cap stamped "LAI" previously set for the northern  
25 northwest corner of the said 11.375 acre tract , for a re-entrant  
26 corner of the tract described herein,

27 3. S 01°09'35" E, a distance of 70.00 feet to a 1/2-inch iron rod

1 with a plastic cap stamped "LAI" previously set for a re-entrant  
2 corner of the said 11.375 acre tract, for a southeast corner of the  
3 tract described herein,

4 4. S 88°50'25" W, a distance of 563.86 feet to a 1/2-inch iron rod  
5 with a plastic cap stamped "LAI" previously set for the western  
6 northwest corner of the said 11.375 acre tract, for a re-entrant  
7 corner of the tract described herein, and

8 5. S 00°44'56" E, a distance of 230.40 feet to a 1/2-inch iron rod  
9 found in the west line of the said 11.375 acre tract, at the  
10 intersection of the north right-of-way line of Doherty, a 70-foot  
11 right-of-way, and the west right-of-way line of Benner, a 70-foot  
12 right-of-way, as shown on the Plum Creek Phase II, Section 1A  
13 subdivision plat of record in Cabinet 14, Pages 225-226, Plat  
14 Records of Hays County, Texas, for a point in the east line of the  
15 tract described herein;

16 THENCE S 00°44'56" E, with the west right-of-way line of said  
17 Benner, with an east line of the tract described herein, a distance  
18 of 447.86 feet to the POINT OF BEGINNING and containing 133.892  
19 acres of land more or less.

20 BEARING BASIS: Texas Coordinate System, South Central Zone,  
21 NAD83, Grid.

22 TRACT 7

23 DESCRIPTION OF 31.441 ACRES LAND IN THE M.M. MCCARVER SURVEY  
24 NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A  
25 CERTAIN CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND  
26 DESCRIBED IN THE DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF  
27 RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS

1 COUNTY, TEXAS; SAID 31.441 ACRES OF LAND AS SURVEYED BY BOWMAN  
2 CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES  
3 AND BOUNDS AS FOLLOWS:

4 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
5 "BCG" previously set in the north line of the said 983.99 acre tract  
6 and the south line of a certain tract of land described in the deed  
7 to Texas-Lehigh Cement Company of record in Volume 609, Page 843,  
8 Real Property Records of Hays County, Texas, for the northeast  
9 corner of a certain called 324.250 acre tract designated as Tract 1  
10 and described in the deed to Lennar Homes of Texas Land and  
11 Construction of record in Instrument No. 16029226, Official Public  
12 Records of Hays County, Texas, for the northwest corner and POINT OF  
13 BEGINNING of the tract described herein;

14 THENCE N 88°09'34" E, with the north line of the said 983.99  
15 acre tract and the south line of the said Texas-Lehigh tract, with  
16 the north line of the tract described herein, at a distance of 39.77  
17 feet, passing a 1-1/2-inch (I.D.) iron pipe found 0.99 feet north of  
18 line, at a distance of 198.91 feet, passing a 1/2-inch iron rod  
19 found 0.45 feet north of line, and continuing for a total distance  
20 of 475.14 feet to a calculated point in the west line of a certain  
21 called 0.392 acre tract designated as Parcel 3 and described in the  
22 deed to the City of Kyle, Texas of record in Volume 4122, Page 86,  
23 Official Public Records of Hays County, Texas, being the west  
24 right-of-way line of Kyle Parkway (F.M. 1626), a variable-width  
25 right-of-way, for the northerly northeast corner of the tract  
26 described herein, from which a Texas Department of Transportation  
27 (TxDOT) Type 2 right-of-way monument (brass disk in concrete) found

1 bears N 09°30' W, a distance of 0.12 feet;

2       THENCE crossing the said 983.99 acre tract, with the west  
3 right-of-way line of said Kyle Parkway and the west line of the said  
4 0.392 acre tract, with the east line of the tract described herein,  
5 the following two (2) courses and distances:

6 1. with the arc of a curve to the left, having a radius of 2,744.79  
7 feet, an arc distance of 572.70 feet, and a chord which bears S  
8 08°20'37" E, a distance of 571.66 feet to a Texas Department of  
9 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
10 concrete) found at a point-of-tangency, and

11 2. S 22°18'28" E, a distance of 224.36 feet to a 1/2-inch iron rod  
12 with a plastic cap stamped "BCG" previously set in the west  
13 right-of-way line of said Kyle Parkway, same being the west line of  
14 a certain called 28.91 acre tract described in the dedication of  
15 public right-of-way to the City of Kyle, Texas of record in Volume  
16 4122, Page 67, Official Public Records of Hays County, Texas, for  
17 the south corner of the said 0.392 acre tract, for a  
18 point-of-curvature in the east line of the tract described herein,  
19 from which a Texas Department of Transportation (TxDOT) Type 2  
20 right-of-way monument (brass disk in concrete) found bears S 22°47'  
21 E, a distance of 2.10 feet;

22       THENCE continuing across the said 983.99 acre tract, with the  
23 curving west right-of-way line of said Kyle Parkway, with the west  
24 line of the said 28.91 acre tract, with the east line of the tract  
25 described herein, with the arc of a curve to the left, having a  
26 radius of 2964.79 feet, an arc distance of 150.32 feet, and a chord  
27 which bears S 19°33'47" E, a distance of 150.30 feet to a 1/2-inch

1 iron rod with a plastic cap stamped "BCG" previously set for the  
2 north corner of a certain called 0.092 acre tract designated as  
3 Parcel 2 and described in the deed to the City of Kyle, Texas of  
4 record in Volume 4122, Page 86, Official Public Records of Hays  
5 County, Texas, for a point-of-tangency in the east line of the tract  
6 described herein, from which a Texas Department of Transportation  
7 (TxDOT) Type 2 right-of-way monument (brass disk in concrete) found  
8 bears N 17°58' W, a distance of 3.48 feet;

9       THENCE continuing across the said 983.99 acre tract, leaving  
10 the west line of the said 28.91 acre tract, with the west  
11 right-of-way line of said Kyle Parkway, with the west and south  
12 lines of the said 0.092 acre tract, and with the east line of the  
13 tract described herein, the following three (3) courses and  
14 distances:

15 1. S 17°54'50" E, a distance of 141.47 feet to a Texas Department of  
16 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
17 concrete) found at an angle point,

18 2. S 21°31'34" E, a distance of 379.00 feet to a 1/2-inch iron rod  
19 with a plastic cap stamped "BCG" previously set for the southwest  
20 corner of the said 0.092 acre tract, for a re-entrant corner in the  
21 east line of the tract described herein, and

22 3. N 68°27'09" E, a distance of 8.98 feet to a 1/2-inch iron rod  
23 with a plastic cap stamped "BCG" previously set in the west line of  
24 the said 28.91 acre tract, for the southeast corner of the said  
25 0.092 acre tract, for the easterly northeast corner of the tract  
26 described herein;

27       THENCE S 21°32'51" E, continuing across the said 983.99 acre

1 tract, with the west right-of-way line of said Kyle Parkway, with  
2 the west line of the said 28.91 acre tract, with the east line of the  
3 tract described herein, a distance of 602.34 feet to a 1/2-inch iron  
4 rod with a plastic cap stamped "BCG" previously set for the north  
5 corner of a certain called 0.934 acre tract designated as Parcel 1  
6 and described in the deed to the City of Kyle, Texas of record in  
7 Volume 4122, Page 86, Official Public Records of Hays County,  
8 Texas, for an angle point in the east line of the tract described  
9 herein, from which a Texas Department of Transportation (TxDOT)  
10 Type 2 right-of-way monument (brass disk in concrete) found bears N  
11 17°43" W, a distance of 3.69 feet;

12       THENCE continuing across the said 983.99 acre tract, with the  
13 west right-of-way line of said Kyle Parkway, with the west line of  
14 the said 0.934 acre tract, with the east line of the tract described  
15 herein, the following two (2) courses and distances:

16 1. S 17°44'17" E, a distance of 296.83 feet to a Texas Department of  
17 Transportation (TxDOT) Type 2 right-of-way monument (brass disk in  
18 concrete) found at a point-of-curvature, and

19 2. with the arc of a curve to the right, having a radius of  
20 2,744.79 feet, an arc distance of 404.05 feet, and a chord which  
21 bears S 17°19'37" E, a distance of 403.69 feet to a calculated point,  
22 for the southeast corner of the tract described herein, from which a  
23 Texas Department of Transportation (TxDOT) Type 2 right-of-way  
24 monument (brass disk in concrete) found at a point-of-tangency in  
25 the west right-of-way line of said Kyle Parkway and the west line of  
26 the said 0.934 acre tract bears with the arc of a curve to the right,  
27 having a radius of 2,744.79 feet, an arc distance of 805.93 feet,

1 and a chord which bears S 04°41'53" E, a distance of 803.04 feet;

2       THENCE S 79°43'41" W, leaving the west right-of-way line of  
3 said Kyle Parkway, continuing across the said 983.99 acre tract,  
4 with the south line of the tract described herein, a distance of  
5 480.94 feet to a calculated point in the curving east line of the  
6 said 324.250 acre tract for the southwest corner of the tract  
7 described herein, from which a 1/2-inch iron rod with a plastic cap  
8 stamped "BCG" previously set for the easterly southeast corner of  
9 the said 324.250 acre tract and the northeast corner of a certain  
10 called 2.581 acre tract designated as Tract 4 and described in the  
11 said deed to Lennar Homes of Texas Land and Construction of record  
12 in Instrument No. 16029226, Official Public Records of Hays County,  
13 Texas, bears with the arc of a curve to the right, having a radius of  
14 2,264.79 feet, an arc distance of 606.17 feet, and a chord which  
15 bears S 06°03'20" E, a distance of 604.37 feet;

16       THENCE continuing across the said 983.99 acre tract, with the  
17 east line of the said 324.250 acre tract, with the west line of the  
18 tract described herein, the following three (3) courses and  
19 distances:

20 1. with the arc of a curve to the left, having a radius of 2,264.79  
21 feet, an arc distance of 309.28 feet, and a chord which bears N  
22 17°38'07" W, a distance of 309.04 feet to a 1/2-inch iron rod  
23 previously set for a point-of-tangency,

24 2. N 21°32'51" W, a distance of 1,391.43 feet to a 1/2-inch iron rod  
25 with a plastic cap stamped "BCG" previously set for a  
26 point-of-curvature, and

27 3. with the arc of a curve to the right, having a radius of

1 3,464.79 feet, an arc distance of 1,139.26 feet and a chord which  
2 bears N 12°07'40" W, a distance of 1,134.13 feet to the POINT OF  
3 BEGINNING and containing 31.441 acres of land more or less.

4 BEARING BASIS: Texas Coordinate System, South Central Zone,  
5 NAD83, Grid.

6 TRACT 8

7 DESCRIPTION OF 8.148 ACRES OF LAND IN THE JOHN COOPER SURVEY  
8 NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS;  
9 BEING A PORTION OF THE REMAINDER OF A CERTAIN 849.267 ACRE TRACT  
10 DESCRIBED IN THE DEED TO WILLIAM NEGLEY, LIFE TENANT OF RECORD IN  
11 VOLUME 322, PAGE 589, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO  
12 IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2047, PAGE  
13 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A  
14 PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 190.110 ACRE TRACT  
15 DESIGNATED AS TRACT II, PARCEL 2, AND DESCRIBED IN THE SUBSTITUTE  
16 TRUSTEE'S DEED TO PLUM CREEK DEVELOPMENT PARTNERS, LTD. OF RECORD  
17 IN VOLUME 4072, PAGE 566, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY,  
18 TEXAS; SAID 8.148 ACRES OF LAND AS SURVEYED BY BOWMAN CONSULTING  
19 GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS  
20 AS FOLLOWS:

21 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
22 "BCG" previously set in the south right-of-way line of Kohler's  
23 Crossing (County Road 171), a variable width right-of-way, in the  
24 south line of a certain called 1.252 acre tract designated as Parcel  
25 2, Tract 1, and described in a deed to the City of Kyle, Texas, of  
26 record in Volume 3218, Page 838, Official Public Records of Hays  
27 County, Texas, for the northeast corner of Lot 2, Block A, Plum

1 Creek Phase I, Section 12A, a subdivision according to the plat of  
2 record in Cabinet 17, Pages 321.322, Plat Records of Hays County,  
3 Texas, for the northwest corner and POINT OF BEGINNING of the tract  
4 described herein;

5       THENCE N 88°49'05" E, with the south right-of-way line of said  
6 Kohler's Crossing (County Road 171), with the south line of the said  
7 1.252 acre tract, with the north line of the tract described herein,  
8 at a distance of 296.70 feet passing a 1/2-inch iron rod with a  
9 plastic cap stamped "Loomis" previously set for a point-on-line in  
10 the north line of the tract described herein, at a distance of  
11 416.70 feet passing a 1/2-inch iron rod with a plastic cap stamped  
12 "Loomis" previously set for a point-on-line in the north line of the  
13 tract described herein, and continuing for a total distance of  
14 776.42 feet to a 1/2-inch iron rod with a plastic cap stamped  
15 "Loomis" previously set at the intersection of the south  
16 right-of-way line of said Kohler's Crossing (County Road 171) and  
17 the west right-of-way line of Cromwell Drive, a variable width  
18 right-of-way, as shown on the Plum Creek Phase I, Section 11J  
19 subdivision plat of record in Cabinet 17, Pages 42-43, Plat Records  
20 of Hays County, Texas, for the northwest corner of a certain called  
21 1.555 acre tract designated as Tract 1 and described in the deed to  
22 Plum Creek Development Partners, Ltd. of record in Volume 4576,  
23 Page 617, Official Public Records of Hays County, Texas, for a point  
24 of curvature in the north line of the tract described herein;

25       THENCE with the west right-of-way line of said Cromwell  
26 Drive, with the west line of the said 1.555 acre tract designated as  
27 Tract 1, with the east line of the tract described herein, the

1 following four (4) courses and distances:

2 1. with the arc of a curve to the right, having a radius of 30.00  
3 feet, an arc distance of 47.12 feet, and a chord bearing S 46°10'55"  
4 E, a distance of 42.43 feet to a 1/2-inch iron rod with a plastic cap  
5 stamped "Loomis" previously set for a point-of-tangency,

6 2. S 01°10'55" E, a distance of 363.92 feet to a 1/2-inch iron rod  
7 with a plastic cap stamped "Loomis" previously set for a  
8 point-of-curvature,

9 3. with the arc of a curve to the right, having a radius of 25.00  
10 feet, an arc distance of 21.03 feet, and a chord bearing S 22°54'47"  
11 W, a distance of 20.41 feet to a 1/2-inch iron rod with a plastic cap  
12 stamped "Loomis" previously set for a point of reverse curvature,  
13 and

14 4. with the arc of a curve to the left, having a radius of 65.00  
15 feet, an arc distance of 49.61 feet, and a chord bearing S 25°08'40"  
16 W, a distance of 48.41 feet to a 1/2-inch iron rod with a plastic cap  
17 stamped "Loomis" previously set for the northeast corner of Lot 1,  
18 Block A, said Plum Creek Phase I, Section 11J, for the southeast  
19 corner of the tract described herein;

20 THENCE S 88°49'05" W, leaving the west right-of-way line of  
21 said Cromwell Drive, with the north line of said Lot 1, Block A,  
22 Plum Creek Phase I, Section 11J, with a north line of the said 1.555  
23 acre tract designated as Tract 1, with the south line of the tract  
24 described herein, a distance of 53.72 feet to a 1/2-inch iron rod  
25 with a plastic cap stamped "Loomis" previously set in the east line  
26 of the said 190.110 acre tract, for the west corner of the said  
27 1.555 acre tract designated as Tract 1, for a point-on-line in the

1 south line of the tract described herein;

2       THENCE S 88°49'05" W, crossing the said 190.110 acre tract,  
3 with the north line of said Lot 1, Block A, Plum Creek Phase I,  
4 Section 11J, with the south line of the tract described herein, a  
5 distance of 597.17 feet to a 1/2-inch iron rod with a plastic cap  
6 stamped "Loomis" previously set for a northwest corner of said Lot  
7 1, Block A, Plum Creek Phase I, Section 11J, for the southerly  
8 southwest corner of the tract described herein;

9       THENCE N 01°10'55" W, crossing the said 190.110 acre tract,  
10 with the west line of the tract described herein, a distance of  
11 91.87 feet to a 1/2-inch iron rod with a plastic cap stamped  
12 "Loomis" previously set in the north line of the said 190.110 acre  
13 tract, for a re-entrant corner of the tract described herein;

14       THENCE S 88°50'02" W, with the north line of the said 190.110  
15 acre tract, with the south line of the tract described herein, a  
16 distance of 125.72 feet to a mag-nail previously set, for the  
17 westerly southwest corner of the tract described herein;

18       THENCE N 01°10'55" W, crossing the remainder of the said  
19 849.267 acre tract, with the west line of the tract described  
20 herein, at a distance of 71.80 feet passing a mag-nail previously  
21 set for the southeast corner of said Lot 2, Block A, Plum Creek  
22 Phase I, Section 12A, and continuing with the east line of said Lot  
23 2, Block A, Plum Creek Phase I, Section 12A for a total distance of  
24 364.03 feet to the POINT OF BEGINNING and containing 8.148 acres of  
25 land, more or less.

26       BEARING BASIS: Texas Coordinate System, South Central Zone,  
27 NAD83, Grid.

1           TRACT 9

2           DESCRIPTION OF 15.017 ACRES OF LAND IN THE JESSE DAY SURVEY,  
3 A-159, HAYS COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER OF A  
4 CERTAIN 849.267 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEGLEY,  
5 LIFE TENANT OF RECORD IN VOLUME 322, PAGE 589, DEED RECORDS OF HAYS  
6 COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD  
7 IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY,  
8 TEXAS, A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 190.110  
9 ACRE TRACT DESIGNATED AS TRACT II, PARCEL 2, AND DESCRIBED IN THE  
10 SUBSTITUTE TRUSTEE'S DEED TO PLUM CREEK DEVELOPMENT PARTNERS, LTD.  
11 OF RECORD IN VOLUME 4072, PAGE 566, OFFICIAL PUBLIC RECORDS OF HAYS  
12 COUNTY, TEXAS, A PORTION OF THAT CERTAIN CALLED 1.211 ACRE TRACT  
13 DESIGNATED AS TRACT 1-M AND DESCRIBED IN THE DEED TO PLUM CREEK  
14 DEVELOPMENT PARTNERS, LTD. OF RECORD IN VOLUME 2126, PAGE 504,  
15 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION  
16 OF A CERTAIN CALLED 5.329 ACRE TRACT DESIGNATED AS PARCEL 4 AND  
17 DESCRIBED IN THE DEED TO PLUM CREEK DEVELOPMENT PARTNERS, LTD. OF  
18 RECORD IN VOLUME 2881, PAGE 599, OFFICIAL PUBLIC RECORDS OF HAYS  
19 COUNTY, TEXAS; SAID 15.017 ACRES OF LAND AS SURVEYED BY BOWMAN  
20 CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES  
21 AND BOUNDS AS FOLLOWS:

22           BEGINNING at a 1/2-inch iron rod with a plastic cap stamped  
23 "Loomis" previously set at the intersection of the south  
24 right-of-way line of Vaughn, a 70 foot wide right-of-way, as shown  
25 on the Plum Creek Phase I, Section 11J subdivision plat of record in  
26 Cabinet 17, Pages 42-43, Plat Records of Hays County, Texas and the  
27 west right-of-way line of Kyle Parkway (F.M. 1626), in the west line

1 of a certain called 22.83 acre tract described in the deed to the  
2 City of Kyle, Texas, of record in Volume 1871, Page 232, Official  
3 Public Records of Hays County, Texas, and corrected in Volume 1904,  
4 Page 813, Official Public Records of Hays County, Texas, same being  
5 the 22.83 acres described in the dedication of public right-of-way  
6 of record in Volume 4122, Page 67, Official Public Records of Hays  
7 County, Texas, for the southeast corner of a certain called 0.800  
8 acre tract designated as Tract 2 and described in the deed to Plum  
9 Creek Development Partners, Ltd. of record in Volume 4576, Page  
10 617, Official Public Records of Hays County, Texas, for a  
11 point-of-tangency in the east line and POINT OF BEGINNING of the  
12 tract described herein;

13       THENCE S 03°39'58'' E, with the west right-of-way line of said  
14 Kyle Parkway (F.M. 1626) and the west line of the said 22.83 acre  
15 tract, with the east line of the tract described herein, a distance  
16 of 932.34 feet to a 1/2-inch iron rod with a plastic cap stamped  
17 "BCG" previously set for the northeast corner of that 2.173 acre  
18 tract described in the deed to L & N Group, Inc, in the deed of  
19 record in Volume 5098, Page 500, Official Public Records of Hays  
20 County, Texas, for the eastern southeast corner of the tract  
21 described herein, from which a 1/2-inch iron rod with a plastic cap  
22 stamped "LAI" previously set at the southeast corner of the said  
23 2.173 acre tract, being the intersection of the west right-of-way  
24 line of said Kyle Parkway (F.M. 1626) and the north right-of-way  
25 line of Dorman Lane, an 80-foot right-of-way as shown on the Plum  
26 Creek Phase I, Section 11A Replat of record in Cabinet 15, Pages  
27 80-81, Plat Records of Hays County, Texas bears S 03°39'58'' E a

1 distance of 298.72 feet;

2       THENCE leaving the west right-of-way line of said Kyle  
3 Parkway (F.M. 1626) and crossing the said 849.267 acre tract with  
4 north and west lines of the said 2.173 acre tract being the south  
5 and east lines of the tract described herein, the following three  
6 (3) courses and distances:

7 1. S 86°20'05'' W a distance of 275.88 feet to a 1/2-inch iron rod  
8 stamped "BCG" previously set for the northwest corner of the said  
9 2.173 acre tract and a re-entrant corner of the tract described  
10 herein,

11 2. S 03°04'03'' E a distance of 326.54 feet to a 1/2-inch iron rod  
12 stamped "BCG" previously set for a point-of-curvature, and

13 3. with the arc of a curve to the left, having a radius of 24.50  
14 feet, an arc distance of 15.47 feet, and a chord bearing S 21°11'51''  
15 E, a distance of 15.21 feet to a 1/2-inch iron rod stamped "BCG"  
16 previously set in the north right-of-way line of said Dorman Lane,  
17 for the southwest corner of the said 2.173 acre tract, and the  
18 southerly southeast corner of the tract described herein;

19       THENCE S 87°00'20'' W with the north right-of-way line of said  
20 Dorman Lane a distance of 178.89 feet to a 1/2-inch iron rod with a  
21 plastic cap stamped "Loomis" previously set for a  
22 point-of-curvature in the north line of the said 5.329 acre tract;

23       THENCE crossing the said 5.329 acre tract, with the north  
24 right-of-way line of said Dorman Lane, with the south line of the  
25 tract described herein, and with the east right-of-way line of  
26 Cromwell Drive, a variable-width right-of-way, as shown on the said  
27 Plum Creek Phase I, Section 11A Replat, and with the east line of

1 the tract described herein, the following four (4) courses and  
2 distances:

3 1. S 87°00'20" W, a distance of 80.00 feet to a 1/2-inch iron rod  
4 with a plastic cap stamped "Rangerland Surveying" found at a  
5 point-of-curvature in the north right-of-way line of said Dorman  
6 Lane,

7 2. with the arc of a curve to the right, having a radius of 25.00  
8 feet, an arc distance of 21.58 feet, and a chord bearing N 68°15'55"  
9 W, a distance of 20.92 feet to a 1/2-inch iron rod with a plastic cap  
10 stamped "Loomis" previously set for a point-of-reverse curvature,

11 3. with the arc of a curve to the left, having a radius of 75.00  
12 feet, an arc distance of 21.06 feet, and a chord bearing N 51°34'54"  
13 W, a distance of 20.99 feet to a 1/2-inch iron rod with a plastic cap  
14 stamped "Rangerland Surveying" found at a point-of-reverse  
15 curvature, and

16 4. with the arc of a curve to the right, having a radius of 25.00  
17 feet, an arc distance of 4.57 feet, and a chord bearing N 54°23'28"  
18 W, a distance of 4.56 feet to a 1/2-inch iron rod with a plastic cap  
19 stamped "Loomis" previously set in the west line of the said 5.329  
20 acre tract and the east right-of-way line of said Cromwell Drive;

21 THENCE with the curving east right-of-way line of said  
22 Cromwell Drive, with the arc of a curve to the right, having a  
23 radius of 25.00 feet, an arc distance of 20.14 feet, and a chord  
24 bearing N 26°04'29" W, a distance of 19.60 feet to a 1/2-inch iron  
25 rod with a plastic cap stamped "BCG" previously set at the northeast  
26 terminus of said Cromwell Drive, as shown on the said Plum Creek  
27 Phase 1, Section 11A Replat;

1           THENCE crossing the remainder of the said 849.267 acre tract,  
2 with the west line of the tract described herein, the following ten  
3 (10) courses and distances:

4 1. N 02°59'40" W, a distance of 320.00 feet to a 1/2-inch iron rod  
5 with a plastic cap stamped "Loomis" previously set;

6 2. N 02°59'40" W, a distance of 268.15 feet to a 1/2-inch iron rod  
7 with a plastic cap stamped "Loomis" previously set for a  
8 point-of-curvature,

9 3. with the arc of a curve to the right, having a radius of 25.00  
10 feet, an arc distance of 22.83 feet, and a chord bearing N 23°10'14"  
11 E, a distance of 22.05 feet to a 1/2-inch iron rod with a plastic cap  
12 stamped "Loomis" previously set for a point-of-reverse curvature,

13 4. with the arc of a curve to the left, having a radius of 65.00  
14 feet, an arc distance of 21.84 feet, and a chord bearing N 39°42'34"  
15 E, a distance of 21.74 feet to a 1/2-inch iron rod with a plastic cap  
16 stamped "BCG" previously set for a point-of-reverse curvature,

17 5. with the arc of a curve to the right, having a radius of 25.00  
18 feet, an arc distance of 24.54 feet, and a chord bearing N 58°12'31"  
19 E, a distance of 23.57 feet to a 1/2-inch iron rod with a plastic cap  
20 stamped "Loomis" previously set for a re-entrant corner,

21 6. N 03°39'58" W, a distance of 50.00 feet to a 1/2-inch iron rod  
22 with a plastic cap stamped "Loomis" previously set for a point of  
23 non-tangent curvature,

24 7. with the arc of a curve to the right, having a radius of 25.00  
25 feet, an arc distance of 24.54 feet, and a chord bearing N 65°32'26"  
26 W, a distance of 23.57 feet to a 1/2-inch iron rod with a plastic cap  
27 stamped "BCG" previously set for a point-of-reverse curvature,

1 8. with the arc of a curve to the left, having a radius of 65.00  
2 feet, an arc distance of 23.64 feet, and a chord bearing N 47°50'00"  
3 W, a distance of 23.51 feet to a 1/2-inch iron rod with a plastic cap  
4 stamped "Loomis" previously set for a point-of-reverse curvature,  
5 9. with the arc of a curve to the right, having a radius of 25.00  
6 feet, an arc distance of 22.83 feet, and a chord bearing N 32°05'12"  
7 W, a distance of 22.05 feet to a 1/2-inch iron rod with a plastic cap  
8 stamped "Loomis" previously set for a point-of-tangency, and  
9 10. N 05°55'18" W, a distance of 84.76 feet to a 1/2-inch iron rod  
10 with a plastic cap stamped "Loomis" previously set in the southeast  
11 line of the said 190.110 acre tract and the south line of the said  
12 1.211 acre tract, for a point in the west line of the tract  
13 described herein;

14       THENCE N 05°55'18" W, crossing the said 190.110 acre tract and  
15 the said 1.211 acre tract, with the west line of the tract described  
16 herein, a distance of 109.37 feet to a 1/2-inch iron rod with a  
17 plastic cap stamped "Loomis" previously set in the northwest line  
18 of the said 1.211 acre tract, for a point-on-line in the west line  
19 of the tract described herein;

20       THENCE N 05°55'18" W, continuing across the said 190.110 acre  
21 tract, with the west line of the tract describe herein, a distance  
22 of 283.18 feet to a 1/2-inch iron rod with a plastic cap stamped  
23 "Loomis" previously set for the southeast terminus of Cromwell  
24 Drive, as shown on the said Plum Creek Phase I, Section 11J  
25 subdivision plat, for a point-of-curvature in the west line of the  
26 tract described herein;

27       THENCE with the east right-of-way line of said Cromwell

1 Drive, with the west line of the tract described herein, and with  
2 the south right-of-way line of said Vaughn and the north line of the  
3 tract described herein, the following four (4) courses and  
4 distances:

- 5 1. with the arc of a curve to the right, having a radius of 25.00  
6 feet, an arc distance of 24.71 feet, and a chord bearing N 22°23'41"  
7 E, a distance of 23.72 feet to a 1/2-inch iron rod with a plastic cap  
8 stamped "Loomis" previously set for a point of reverse curvature,
- 9 2. with the arc of a curve to the left, having a radius of 75.00  
10 feet, an arc distance of 22.92, and a chord bearing N 41°57'27" E, a  
11 distance of 22.83 feet to a 1/2-inch iron rod with a plastic cap  
12 stamped "Loomis" previously set for a point of reverse curvature,
- 13 3. with the arc of a curve to the right, having a radius of 25.00  
14 feet, an arc distance of 23.18 feet, and a chord bearing N 59°46'08"  
15 E, a distance of 22.36 feet to a 1/2-inch iron rod with a plastic cap  
16 stamped "Loomis" previously set for a point-of-tangency, and  
17 4. N 86°20'02" E, a distance of 50.00 feet to a 1/2-inch iron rod  
18 with a plastic cap stamped "BCG" previously set in the west line of  
19 the said 1.211 acre tract, for a point in the north line of the tract  
20 described herein;

21         THENCE N 86°20'02" E, crossing the said 1.211 acre tract, with  
22 the south right-of-way line of said Vaughn, a distance of 17.26 feet  
23 to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously  
24 set in the east line of the said 1.211 acre tract, for the southwest  
25 corner of the said 0.800 acre tract, for a point in the north line of  
26 the tract described herein;

27         THENCE with the south right-of-way line of said Vaughn, with

1 the north line of the tract described herein, the following two (2)  
2 courses and distances:

3 1. N 86°20'02'' E, a distance of 448.95 feet to a 1/2-inch iron rod  
4 with a plastic cap stamped "Loomis" previously set for a  
5 point-of-curvature, and

6 2. with the arc of a curve to the right, having a radius of 30.00  
7 feet, an arc distance of 47.12 feet, and a chord bearing S 48°39'58''  
8 E, a distance of 42.43 feet to the POINT OF BEGINNING and containing  
9 15.017 acres of land, more or less.

10 BEARING BASIS: Texas Coordinate System, South Central Zone,  
11 NAD83, Grid.

12 TRACT 10

13 DESCRIPTION OF 15.757 ACRES OF LAND IN THE JOHN COOPER SURVEY  
14 NO. 13, A-100, THE JESSE DAY SURVEY, A-152, AND THE JESSE DAY  
15 SURVEY, A-159, HAYS COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER  
16 OF A CERTAIN 849.267 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM  
17 NEGLEY, LIFE TENANT OF RECORD IN VOLUME 322, PAGE 589, DEED RECORDS  
18 OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD.  
19 OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS  
20 COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN  
21 CALLED 190.110 ACRE TRACT DESIGNATED AS TRACT II, PARCEL 2, AND  
22 DESCRIBED IN THE SUBSTITUTE TRUSTEE'S DEED TO PLUM CREEK  
23 DEVELOPMENT PARTNERS, LTD. OF RECORD IN VOLUME 4072, PAGE 566,  
24 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 15.757 ACRES OF  
25 LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE  
26 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

27 BEGINNING at a 1/2-inch iron rod with a plastic cap stamped

1 "Loomis" previously set in the south line of a certain called 1.252  
2 acre tract designated as Parcel 2, Tract 1, and described in a deed  
3 to the City of Kyle, Texas, of record in Volume 3218, Page 838,  
4 Official Public Records of Hays County, Texas, at the intersection  
5 of the south right-of-way line of Kohler's Crossing (County Road  
6 171), a variable width right-of-way, and the east right-of-way line  
7 of Cromwell Drive, a variable width right-of-way, as shown on the  
8 Plum Creek Phase I, Section 11J subdivision plat of record in  
9 Cabinet 17, Pages 42-43, Plat Records of Hays County, Texas, for the  
10 northeast corner of a certain called 1.555 acre tract designated as  
11 Tract 1 and described in the deed to Plum Creek Development  
12 Partners, Ltd. of record in Volume 4576, Page 617, Official Public  
13 Records of Hays County, Texas, for a point-of-tangency in the north  
14 line and POINT OF BEGINNING of the tract described herein;

15       THENCE N 88°49'05'' E, leaving the east right-of-way line of  
16 said Cromwell Drive, with the south right-of-way line of said  
17 Kohler's Crossing (County Road 171), with the south line of the said  
18 1.252 acre tract, and with the north line of the tract described  
19 herein, a distance of 551.66 feet to a 1/2-inch iron rod with a  
20 plastic cap stamped "LAI" previously set at the intersection of the  
21 south right-of-way line of said Kohler's Crossing (County Road 171)  
22 with the west right-of-way line of Kyle Parkway (F.M. 1626) in the  
23 west line of a certain called 22.83 acre tract described in the deed  
24 to the City of Kyle, Texas, of record in Volume 1871, Page 232,  
25 Official Public Records of Hays County, Texas, and corrected in  
26 Volume 1904, Page 813, Official Public Records of Hays County,  
27 Texas, same being the 22.83 acres described in the dedication of

1 public right-of-way of record in Volume 4122, Page 67, Official  
2 Public Records of Hays County, Texas, for the southeast corner of  
3 the said 1.252 acre tract and for a northeast corner of the tract  
4 described herein;

5       THENCE S 46°17'09'' E, with the west right-of-way line of Kyle  
6 Parkway (F.M. 1626) and the west line of the said 22.83 acre tract,  
7 with the east line of the tract described herein a distance of 27.38  
8 feet to a 1/2-inch iron rod with a plastic cap stamped "LAI"  
9 previously set for an angle point in the west line of said Kyle  
10 Parkway (F.M. 1626) and the west line of the said 22.83 acre tract,  
11 for an angle point in the east line of the tract described herein;

12       THENCE S 03°39'58'' E, with the west right-of-way line of said  
13 Kyle Parkway (F.M. 1626) and the west line of the said 22.83 acre  
14 tract, with the east line of the tract described herein, at a  
15 distance of 374.01 feet passing a 1/2-inch iron rod with a plastic  
16 cap stamped "Loomis" previously set for a point-on-line, at a  
17 distance of 484.01 feet passing a 1/2-inch iron rod with a plastic  
18 cap stamped "Loomis" previously set for a point-on-line, and  
19 continuing for a total distance of 1,069.26 feet to a 1/2-inch iron  
20 rod with a plastic cap stamped "Loomis" previously set for the  
21 intersection of the west right-of-way line of said Kyle Parkway  
22 (F.M. 1626) and the north right-of-way line of Vaughn, a 70-foot  
23 right-of-way, as shown on the said Plum Creek Phase I, Section 11J  
24 subdivision plat, for the northeast corner of a certain called  
25 0.800 acre tract designated as Tract 2 and described in said deed to  
26 Plum Creek Development Partners of record in Volume 4576, Page 617,  
27 Official Public Records of Hays County, Texas, for a

1 point-of-curvature in the east line of the tract described herein;  
2       THENCE leaving the west right-of-way line of said Kyle  
3 Parkway (F.M. 1626) and the west line of the said 22.83 acre tract,  
4 with the curving north right-of-way line of said Vaughn, with the  
5 north line of the said 0.800 acre tract, and with the south line of  
6 the tract described herein, with the arc of a curve to the right,  
7 having a radius of 30.00 feet, an arc distance of 47.12 feet, and a  
8 chord bearing S 41°20'02'' W, a distance of 42.43 feet to a 1/2-inch  
9 iron rod with a plastic cap stamped "Loomis" previously set for a  
10 point-of-tangency;

11       THENCE S 86°20'02'' W, continuing with the north right-of-way  
12 line of said Vaughn, with the north line of the said 0.800 acre  
13 tract, and with the south line of the tract described herein, a  
14 distance of 475.81 feet to a 1/2-inch iron rod with a plastic cap  
15 stamped "Loomis" previously set in the east line of the said 190.110  
16 acre tract, for a point-on-line in the south line of the tract  
17 described herein;

18       THENCE crossing the said 190.110 acre tract, with the north  
19 right-of-way line of said Vaughn and with the south line of the  
20 tract described herein, with the east right-of-way line of said  
21 Cromwell Drive and with the west line of the tract described herein,  
22 the following five (5) courses and distances:

- 23 1. S 86°20'02'' W, a distance of 40.40 feet to a 1/2-inch iron rod  
24 with a plastic cap stamped "Loomis" previously set for a  
25 point-of-curvature,
- 26 2. with the arc of a curve to the right, having a radius of 25.00  
27 feet, an arc distance of 23.18 feet, and a chord bearing N 67°06'03''

1 W, a distance of 22.36 feet to a 1/2-inch iron rod with a plastic cap  
2 stamped "Loomis" previously set for a point-of-reverse-curvature,  
3 3. with the arc of a curve to the left, having a radius of 75.00  
4 feet, an arc distance of 28.82 feet, and a chord bearing N 51°32'43''  
5 W, a distance of 28.65 feet to a 1/2-inch iron rod with a plastic cap  
6 stamped "Loomis" previously set for a point-of-reverse-curvature,  
7 4. with the arc of a curve to the right, having a radius of 25.00  
8 feet, an arc distance of 24.71 feet, and a chord bearing N 34°14'18''  
9 W, a distance of 23.72 feet to a 1/2-inch iron rod with a plastic cap  
10 stamped "Loomis" previously set for a point-of-tangency, and  
11 5. N 05°55'18'' W, a distance of 217.01 feet to a 1/2-inch iron rod  
12 with a plastic cap stamped "Loomis" previously set in the east line  
13 of the said 190.110 acre tract, for the south corner of the said  
14 1.555 acre tract, for a point-on-line in the west line of the tract  
15 described herein;

16 THENCE crossing the remainder of the said 849.267, with the  
17 east right-of-way line of said Cromwell Drive, with the east line of  
18 the said 1.555 acre tract, with the west line of the tract described  
19 herein, the following ten (10) courses and distances:

20 1. N 05°55'18'' W, a distance of 349.36 feet to a 1/2-inch iron rod  
21 with a plastic cap stamped "Loomis" previously set for a  
22 point-of-curvature,  
23 2. with the arc of a curve to the right, having a radius of 25.00  
24 feet, an arc distance of 22.83 feet, and a chord bearing N 20°14'36''  
25 E, a distance of 22.05 feet to a 1/2-inch iron rod with a plastic cap  
26 stamped "Loomis" previously set for a point-of-reverse-curvature,  
27 3. with the arc of a curve to the left, having a radius of 65.00

1 feet, an arc distance of 15.70 feet, and a chord bearing N 39°29'16''  
2 E, a distance of 15.66 feet to a 1/2-inch iron rod with a plastic cap  
3 stamped "Loomis" previously set for a point-of-reverse-curvature,  
4 4. with the arc of a curve to the right, having a radius of 25.00  
5 feet, an arc distance of 24.54 feet, and a chord bearing N 60°41'33''  
6 E, a distance of 23.57 feet to a 1/2-inch iron rod with a plastic cap  
7 stamped "Loomis" previously set for a re-entrant corner,  
8 5. N 01°10'55'' W, a distance of 50.00 feet to a 1/2-inch iron rod  
9 with a plastic cap stamped "Loomis" previously set for a point of  
10 non-tangent curvature,  
11 6. with the arc of a curve to the right, having a radius of 25.00  
12 feet, an arc distance of 24.54 feet, and a chord bearing N 63°03'23''  
13 W, a distance of 23.57 feet to a 1/2-inch iron rod with a plastic cap  
14 stamped "Loomis" previously set for a point-of-reverse-curvature,  
15 7. with the arc of a curve to the left, having a radius of 65.00  
16 feet, an arc distance of 16.38 feet, and a chord bearing N 42°09'04''  
17 W, a distance of 16.34 feet to a 1/2-inch iron rod with a plastic cap  
18 stamped "Loomis" previously set for a point-of-reverse-curvature,  
19 8. with the arc of a curve to the right, having a radius of 25.00  
20 feet, an arc distance of 21.03 feet, and a chord bearing N 25°16'36''  
21 W, a distance of 20.41 feet to a 1/2-inch iron rod with a plastic cap  
22 stamped "Loomis" previously set for a point-of-tangency,  
23 9. N 01°10'55'' W, a distance of 363.92 feet to a 1/2-inch iron rod  
24 with a plastic cap stamped "Loomis" previously set for a  
25 point-of-curvature, and  
26 10. with the arc of a curve to the right, having a radius of 30.00  
27 feet, an arc distance of 41.12 feet, and a chord bearing N 43°49'05''

1 E, a distance of 42.43 feet to the POINT OF BEGINNING and containing  
2 15.757 acres of land, more or less.

3 BEARING BASIS: Texas Coordinate System, South Central Zone,  
4 NAD83, Grid.

5 SECTION 3. (a) The legal notice of the intention to  
6 introduce this Act, setting forth the general substance of this  
7 Act, has been published as provided by law, and the notice and a  
8 copy of this Act have been furnished to all persons, agencies,  
9 officials, or entities to which they are required to be furnished  
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11 Government Code.

12 (b) The governor, one of the required recipients, has  
13 submitted the notice and Act to the Texas Commission on  
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed  
16 its recommendations relating to this Act with the governor, the  
17 lieutenant governor, and the speaker of the house of  
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this  
20 state and the rules and procedures of the legislature with respect  
21 to the notice, introduction, and passage of this Act are fulfilled  
22 and accomplished.

23 SECTION 4. (a) If this Act does not receive a two-thirds  
24 vote of all the members elected to each house, Subchapter C, Chapter  
25 7988, Special District Local Laws Code, as added by Section 1 of  
26 this Act, is amended by adding Section 7988.107 to read as follows:

27 Sec. 7988.107. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

2 (b) This section is not intended to be an expression of a  
3 legislative interpretation of the requirements of Section 17(c),  
4 Article I, Texas Constitution.

5 SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2245 passed the Senate on May 4, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2245 passed the House on May 19, 2017, by the following vote: Yeas 139, Nays 5, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor